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110,00-148

152 EAP
91-318 04/15/93
#9
N.E.

UNITED STATES PATENT AND TRADEMARK OFFICE
J. Spear Art Unit: 1502

Re: Application of Benjamin OSHLACK, et al.
Serial No. 07/800,549
Filed: November 27, 1991
For: CONTROLLED RELEASE OXYCODONE
COMPOSITIONS

TERMINAL DISCLAIMER AND APPLICATION

Hon. Commissioner of Patents and Trademarks
Washington D.C. 20231
Sir:

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APR 08 1993
GROUP 150

Euroceltique, S.A., of 122 Boulevard de la Petrusse, Luxembourg, (hereinafter "Euroceltique") represents that it is the assignee of the above-identified patent application Serial No. 07/800,549, filed November 27, 1991, for "Controlled Release Oxycodone Compositions", which assignment is recorded at Reel 5932, Frame 573.

Euroceltique further represents that it is the assignee of Patent No. 4,990,341, granted February 5, 1991, which assignment is recorded at Reel 4795 Frame 161.

Euroceltique further states that it has reviewed the evidentiary documents, namely the assignments recorded at Reel 5932, Frame 573 and at Reel 4795 Frame 161, and Euroceltique hereby certifies that to the best of its knowledge and belief, title to said patent application Serial No. 07/800,549 and to said Patent No. 4,990,341 are in Euroceltique, the assignee seeking to take this action.

Euroceltique hereby disclaims the terminal part of any patent granted on the above-identified application Serial No. 07/800,549 which would extend beyond the expiration date of Patent No. 4,990,341, granted February 5, 1991, and hereby agrees

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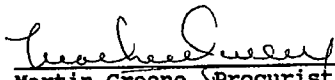
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that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 4,990,341, granted February 5, 1991, this agreement to run with any patent granted on the above-identified application and to be binding on the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 4,990,341 in the event that it later: expires for failure to pay maintenance fees, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The statutory fee of \$110.00 for a disclaimer is submitted herewith.

EUROCELTIQUE, S.A.

By: 
Martin Greene, Procurist

Dated: March 5, 1993



13 X / Spear

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MAY 27 1993

GROUP 150

Gp 1502

91-318

UNITED STATES PATENT AND TRADEMARK OFFICE
J. Spear Art Unit: 1502

Re: Application of Benjamin OSHLACK, et al.
Serial No. 07/800,549
Filed: November 27, 1991
For: CONTROLLED RELEASE OXYCODONE
COMPOSITIONS

TRANSMITTAL OF DECLARATION FILED BY FACSIMILE

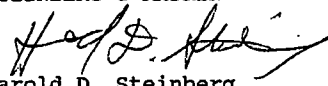
Hon. Commissioner of Patents and Trademarks May 21, 1993
Washington D.C. 20231

Sir:

Enclosed herewith is a COPY of DECLARATION CONFIRMING
CAPACITY OF PROCURIST OF EUROCELTIQUE, S.A., filed by facsimile in
connection with the above-identified application.

Respectfully submitted,

STEINBERG & RASKIN


Harold D. Steinberg

(212) 768-3800

I hereby certify that this correspondence and/or
fee is being deposited with the United States
Postal Service as first class mail in an envelope
addressed to "Commissioner of Patents and
Trademarks, Washington, DC 20231" on May 21, 1993

STEINBERG & RASKIN

By: 

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91-318

#10
JAG
6/2/93

UNITED STATES PATENT AND TRADEMARK OFFICE
J. Spear Art Unit: 1502

Re: Application of Benjamin OSHLACK, et al.
Serial No. 07/800,549
Filed: November 27, 1991
For: CONTROLLED RELEASE OXYCODONE COMPOSITIONS

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MAY 27 1993
GROUP 150

**DECLARATION CONFIRMING CAPACITY OF
PROCURIST OF EUROCELTIQUE, S.A.**

Hon. Commissioner of Patents and Trademarks May 21, 1993
Washington D.C. 20231

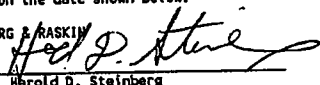
Sir:

I, Harold D. Steinberg, declare as follows:

I am a registered Patent Attorney, Registration No. 17,255, and member of the Bar of the State of New York since 1951. I practice as a partner of the firm of Steinberg & Raskin, 1140 Avenue of the Americas, New York, New York 10036.

I have been involved in the International Practice of Patent and Trademark Law since 1951 and have become thoroughly familiar with situations concerning officers of foreign corporations. In the case of corporations of Austria, Germany, Luxembourg and other countries, the position of Procurist of a Corporation in such country is a very high ranking position equivalent to the highest ranking officer of any United States

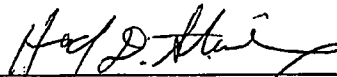
CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this DECLARATION
CONFIRMING CAPACITY OF PROCURIST OF
EUROCELTIQUE, S.A. is
being facsimile transmitted to the
United States Patent and Trademark
Office on the date shown below.

STEINBERG & RASKIN
BY: 
Harold D. Steinberg
Registration No. 17,255
Dated: 5/21/93

Corporation, and in fact is in many respects higher because of the greater authority of the Procurist with respect to all activities of the Corporation.

In the case of Euroceltique, S.A., which is a Luxembourg Corporation, the position of Procurist is held by Martin Greene who as Procurist signed the terminal disclaimer dated March 5, 1993 in connection with the above application and he did so with full authority to act on behalf of Euroceltique, S.A.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the USC and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Harold D. Steinberg

Dated: May 21, 1993



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/800,549	11/27/91	OSHLACK	B 91-318

STEINBERG & RASKIN
1140 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

13M1/0614

SP	SPEAR, J		EXAMINER
	ART UNIT	PAPER NUMBER	
	1502	11	

DATE MAILED:

06/14/93

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) James M. Spear (3) _____
(2) Harold D. Steinberg (4) _____

Date of interview 05/20/93

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: _____

Agreement ☒ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: None

Identification of prior art discussed: None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Terminal

Disclaimer regarding authorized signature. Attorney to submit
declaration confirming capacity of Procurist.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

James M. Spear
Examiner's Signature



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/800,549	11/27/91	OSHLACK	B 91-318
			EXAMINER SPEAR, J
15M1/0614			
STEINBERG & RASKIN 1140 AVENUE OF THE AMERICAS NEW YORK, NY 10036			ART UNIT 1502
			PAPER NUMBER 12
			DATE MAILED: 06/14/93

NOTICE OF ALLOWABILITY

PART I.

1. ☒ This communication is responsive to The amendment filed 03-12-93
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 1-17
4. ☐ The drawings filed on _____ are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. _____, filed on _____
6. ☐ Note the attached Examiner's Amendment.
7. ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
8. ☐ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
- a. ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
- b. ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
- c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
- d. ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- ☒ Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

U.S. PATENT & TRADEMARK OFFICE
UNIT 152


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: Box ISSUE FEE
 COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

15M1/0614

 STEINBERG & RASKIN
 1140 AVENUE OF THE AMERICAS
 NEW YORK, NY 10036

**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner
- ☐ This notice is issued in view of applicant's communication filed _____

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/800,549	11/27/91	017	SPEAR, J	1502 06/14/93
First Named Applicant OSHLACK, BENJAMIN				

 TITLE OF INVENTION
 CONTROLLED RELEASE OXYCODONE COMPOSITIONS

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	91-318	424-468.000	N93	UTILITY	NO	\$1170.00	09/14/93

THE FEE DUE IS THE AMOUNT IN EFFECT AT THIS TIME. IF THE AMOUNT OF THE ISSUE FEE INCREASES PRIOR TO PAYMENT, APPLICANT WILL BE NOTIFIED OF THE BALANCE OF ISSUE FEE DUE.

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.

PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY Status shown above.
 If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

- III. All communications regarding this application must give series code (or filing date) and serial number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B—ISSUE FEE TRANSMITTAL

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. All future correspondence including the Issue Fee Receipt, the Patent, advances orders and notification of maintenance fees will be mailed to addressee entered in Block 1 unless you direct otherwise, by (a) specifying a new correspondence address in Block below; or (b) providing the PTO with a separate "FEE ADDRESS" for maintenance fee notification with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.

1. CORRESPONDENCE ADDRESS	2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)
STEINBERG & RASKIN 1140 AVENUE OF THE AMERICAS NEW YORK, NY 10036	INVENTOR'S NAME Street Address City, State and ZIP Code CO-INVENTOR'S NAME Street Address City, State and ZIP Code <input type="checkbox"/> Check if additional changes are on reverse side

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/800,549	11/27/91	017	SPEAR	1502 06/14/93

First Named Applicant	BENJAMIN
OSHLACK	

TITLE OF INVENTION	CONTROLLED RELEASE OXYCODONE COMPOSITIONS
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CLASS	CLASS SUBCLASS	BATCH NO.	ARTICLE TYPE	SMALL ENTITY	FEES DUES	DATE DUE
01	424-468,000	N93	UTILITY	NO	\$1170.00	06/14/93

Correspondence Address Change (Complete only if there is a change)	For printing on the patent form, list the names of not more than 10 registered patent attorneys or agents OR alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.
Steinberg & Raskin 1140 Ave. of the Americas New York, NY 10036	Steinberg & Raskin

DO NOT USE THIS SPACE	060 MC 09/14/93 07800549	1-142-1-170-00
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ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (Print or type)	ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (Print or type)
(1) NAME OF ASSIGNEE: Eurochem S.A.	(2) ADDRESS (CITY & STATE OR COUNTRY): Luxembourg
(3) STATE OF INCORPORATION: Luxembourg	(4) STATE OF INCORPORATION: Luxembourg

<input type="checkbox"/> This application is NOT assigned. <input checked="" type="checkbox"/> Assignment is being previously submitted to the Patent and Trademark Office. <input type="checkbox"/> Assignment is being submitted under separate cover. Assignments should be directed to Box ASSIGNMENTS.	PLEASE NOTE: Unless an assignee is identified in Block 5, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.
---	--

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

PTO UTILITY GRANT
Paper Number 13

*The
United
States
of
America*


The Commissioner of Patents
and Trademarks

*Has received an application for a patent
for a new and useful invention. The title
and description of the invention are en-
closed. The requirements of law have
been complied with, and it has been de-
termined that a patent on the invention
shall be granted under the law.*

Therefore, this

United States Patent

*Grants to the person or persons having
title to this patent the right to exclude
others from making, using or selling the
invention throughout the United States
of America for the term of seventeen
years from the date of this patent, sub-
ject to the payment of maintenance fees
as provided by law.*



Bruce Lehman


Commissioner of Patents and Trademarks

Marcia F. Compton
Attest

PTO-1584

ER
15/08
10-78)

may be
employees

BAR CODE LABEL						U.S. PATENT APPLICATION	
SERIAL NUMBER		FILING DATE		CLASS	GROUP ART UNIT		
07/800,549		11/27/91		424	1502		
APPLICANT	BENJAMIN OSHLACK, NEW YORK, NY; JOHN J. MINOGUE, MOUNT VERNON, NY; MARK CHASIN, MANALPAN, NJ. **CONTINUING DATA***** VERIFIED _____ **FOREIGN/PCT APPLICATIONS***** VERIFIED _____ FOREIGN FILING LICENSE GRANTED 12/12/91						
STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS	FILING FEE RECEIVED	ATTORNEY DCKET NO.		
NY	0	17	5	\$ 750.00	91-318		
ADDRESS	STEINBERG & RASKIN 1140 AVENUE OF THE AMERICAS NEW YORK, NY 10036						
TITLE	CONTROLLED RELEASE OXYCODONE COMPOSITIONS						
This is to certify that annexed hereto is a true copy from the records of the United States Patent and Trademark Office of the application as originally filed which is identified above. By authority of the COMMISSIONER OF PATENTS AND TRADEMARKS Date _____ Certifying Officer _____							

331 - 88

STAPLE AREA

U.S. GOVERNMENT PRINTING OFFICE 1990-275-917

DATE NUMBER

ORIGINAL CLASSIFICATION

CLASS 424 SUBCLASS 468

APPLICATION SERIAL NUMBER 07/800549

APPLICANT'S NAME (PLEASE PRINT) OSHLACK et al.

IF REISSUE, ORIGINAL PATENT NUMBER

CROSS REFERENCE(S)

CLASS	SUBCLASS	(ONE SUBCLASS PER BLOCK)
424	469	470 486 487
	488	494 496 497
	498	501 502 495

INTERNATIONAL CLASSIFICATION (INT. CL. 5)

GROUP	ART UNIT	ASSISTANT EXAMINER (PLEASE STAMP OR PRINT FULL NAME)	PRIMARY EXAMINER (PLEASE STAMP OR PRINT FULL NAME)
A61K	9/22	James M. Spear	Thurman K. Page
A61K	9/26		

PTO 270 (10-84)

ISSUE CLASSIFICATION SLIP

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Claim	Final	Original	Date
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
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46	46	46	46
47	47	47	47
48	48	48	48
49	49	49	49
50	50	50	50

SYMBOLS

Rejected

Advised

Consented

Restricted

Non-abstract

Interference

Appeal

Objected

Claim	Final	Original	Date
51	51	51	51
52	52	52	52
53	53	53	53
54	54	54	54
55	55	55	55
56	56	56	56
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95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

SEARCHED			
Class	Sub.	Date	Exmr.
424	464	6-10-93	9/20/93
	465	"	"
	468		
	469		
	470		
	486		
	487		
	488		
	494		
	496		
	497		
	498		
Above	To Date	6-10-93	9/20/93

SEARCH NOTES		
	Date	Exmr.
NONE	6-10-93	9/20/93

INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.
424	464	6-10-93	9/20/93
	465		
	468		
	469		
	470		
	486		
	487		
	488		
	494		
	496		
	497		
	498		

POSITION	INIT	DATE
CLASSIFIER	1/8	12-11-91
EXAMINER	311	10/11/91
TYPIST		
VERIFIER	12-13-91	
CORPS CORR.		
SPEC. HAND		
FILE MAINT.		

INDEX OF CLAIMS

Claim	Date
1	1/8
2	1/8
3	1/8
4	1/8
5	1/8
6	1/8
7	1/8
8	1/8
9	1/8
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11	1/8
12	1/8
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46	1/8
47	1/8
48	1/8
49	1/8
50	1/8

SYMBOLS

Rejected
 (Through numerical)
 Canceled
 Delected
 Non-elected
 Interference
 Appeal
 Rejected

Claim	Date
51	1/8
52	1/8
53	1/8
54	1/8
55	1/8
56	1/8
57	1/8
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96	1/8
97	1/8
98	1/8
99	1/8
100	1/8

800549

APPROVED FOR LICENSE
DEC 11 1991

INITIALS

RECEIVED
DEC 19 1991
GROUP 150

Received
or
Mailed

Entered
or
Counted

CONTENTS

1. Application papers 150 4/30/92 ✓

2. Ref 3 mos 1/28/92 ✓

3. Ref 3 mos 2 mos 1/28/92 ✓

4. Ref 3 mos 1/28/92 ✓

5. Ref 3 mos 2-3-93 ✓

6. Examiner Interview Summary Record 2-25-93 ✓

7. Amst A 3/12/93 ✓

8. Declarative Attack 3/12/93 ✓

9. Term Discl 03/12/93 ✓

10. Declaration 5/25/93 ✓

11. Examiner Interview Summary Record 10-5-20-93 ✓

12. Notice of allowance 6-14-93 ✓

13.

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